

Remarks

The Office Action mailed June 6, 2006, has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-20 are now pending in this application. Claims 1-20 stand rejected.

The rejection of Claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Powers et al. (6,604,084) (hereinafter referred to as "Powers") in view of Suzuki et al. (U.S. Patent 6,625,511) (hereinafter referred to as "Suzuki") is respectfully traversed.

Powers describes an evaluation system (10) including a client space (12) that is implemented on a client platform (18), and a server application space (14) and a database space (16) that are implemented on a server platform (20). Using client platform (18), an evaluator obtains a question table (150) which includes a questionnaire regarding a member (180). The user answers questions on question table (150) to evaluate member (180). The user's responses to the questions are delivered to server platform (20), wherein the responses are tabulated to produce a quality score (192) and a productivity score (202) for member (180). Quality score (192) and productivity score (202) can then be used to evaluate member (180). Notably, Powers does not describe nor suggest a system or method of evaluating process performance, wherein a server is configured to display at least one suggestion for improving performance of a desired manufacturing function, wherein the suggestions are sortable using at least one of buttons and tabs indicative of categories of production process.

Suzuki describes a method for evaluating a quality of a manufacturing workshop that includes storing a plurality of query items (75) and answer alternatives (76) in a database (4). To perform the evaluation, an evaluator selects an answer alternative (76) for each query item (75). The selected answers are used to provide a screen image output that includes workshop improvement points (88a), a short-term measures plan (88b), and a long-term measures plan (88c). Notably, improvement points (88a) are listed on the screen image in an order of importance. (Column 20, lines 54-67) Moreover, Suzuki does not describe sorting the improvement points based on a particular area of manufacture. Specifically, Suzuki does not

describe nor suggest displaying at least one suggestion for improving performance of a desired manufacturing function, wherein the suggestions are sortable using at least one of buttons and tabs indicative of categories of a production process.

Claim 1 recites a system for evaluating process performance, wherein the system comprises “a device . . . a server connected to said device and configured to receive process production capability information data using a computer, from a user via said device, said server further configured to . . . compile the received information . . . display to the user information related to the production process . . . compare the received information in the form of answers to respective questions, to reference information in the form of answers to questions developed to encompass an expected range of answers from the users responding to the questions, wherein each question is related to at least one category of the production process . . . display the results of the compared information to the user via said device wherein the results include a numerical score representing a relative capability of the process being evaluated to perform a desired manufacturing function . . . display at least one suggestion for improving performance of the desired manufacturing function, wherein the suggestions are sortable based on the categories of the production process.”

Neither Powers nor Suzuki, considered alone or in combination, describe nor suggest a system for evaluating process performance, as is recited in Claim 1. More specifically, neither Powers nor Suzuki, considered alone or in combination, describe nor suggest a system for evaluating process performance, wherein a server is configured to display at least one suggestion for improving performance of a desired manufacturing function, wherein the suggestions are sortable based on categories of a production process. Rather, in contrast to the present invention, Powers describes an employee evaluation that merely displays numerical scores based on quality and productivity, and Suzuki describes listing a plurality of suggestions that do not reference, and are not sortable by, categories of a production process. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Powers in view of Suzuki.

Claims 2-8 depend from independent Claim 1. When the recitations of Claims 2-8 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-8 likewise are patentable over Powers in view of Suzuki.

Claim 9 recites a method for evaluating performance capabilities of a production process by operating a system including a server and at least one device connected to the server, wherein the method comprises “determining evaluation area categories based on an evaluation of the production performance capabilities of at least one of the process and a part being evaluated . . . receiving, using a computer, information relevant to the capabilities of the production process within the evaluation categories . . . compiling the received information . . . comparing the received information in the form of answers to respective questions, to reference information in the form of answers to questions developed to encompass an expected range of answers from the users responding to the questions, wherein each question is related to at least one category of the production process . . . displaying the results to the user via the device wherein the results include a numerical score representing a relative capability of the process being evaluated to perform a desired manufacturing function . . . displaying at least one suggestion for improving performance of the desired manufacturing function, wherein the suggestions are sortable based on the categories of the production process.”

Neither Powers nor Suzuki, considered alone or in combination, describe nor suggest a method for evaluating performance capabilities of a production process as is recited in Claim 9. More specifically, neither Powers nor Suzuki, considered alone or in combination describe nor suggest a method for evaluating performance capabilities of a production process, wherein the method includes displaying at least one suggestion for improving performance of a desired manufacturing function, wherein the suggestions are sortable based on categories of a production process. Rather, in contrast to the present invention, Powers describes an employee evaluation that merely displays numerical scores based on quality and productivity, and Suzuki describes listing a plurality of suggestions that do not reference, and are not sortable by, categories of a production process. Accordingly, for at least the reasons set forth above, Claim 9 is submitted to be patentable over Powers in view of Suzuki.

Claims 10-14 depend from independent Claim 9. When the recitations of Claims 10-14 are considered in combination with the recitations of Claim 9, Applicants submit that dependent Claims 10-14 likewise are patentable over Powers in view of Suzuki.

Claim 15 recites a method for evaluating performance of a production process using a network connecting a plurality of users, the network including a server and a plurality of user display devices, wherein the method comprises “receiving, from the users using a computer, information concerning evaluation categories relevant to the production process . . . assigning each evaluation category at least one weighted factor that normalizes the received information with respect to a relative contribution to a process capability improvement of the received information . . . compiling the information received from the users with the server . . . evaluating the received information in the form of answers to respective questions, in comparison to reference information in the form of answers to questions developed to encompass an expected range of answers from the users responding to the questions, wherein each question is related to at least one category of the production process . . . displaying the results to the users wherein the results include a numerical score representing a relative capability of the process being evaluated to perform a desired manufacturing function . . . displaying at least one suggestion for improving performance of the desired manufacturing function, wherein the suggestions are sortable to the plurality of users based on the categories of the production process.”

Neither Powers nor Suzuki, considered alone or in combination, describe nor suggest a method for evaluating performance of a production process using a network as is recited in Claim 15. More specifically, neither Powers nor Suzuki, considered alone or in combination, describe nor suggest a method for evaluating performance of a production process using a network, wherein the method includes displaying at least one suggestion for improving performance of a desired manufacturing function, wherein the suggestions are sortable to the plurality of users based on categories of a production process. Rather, in contrast to the present invention, Powers describes an employee evaluation that merely displays numerical scores based on quality and productivity, and Suzuki describes listing a plurality of suggestions that do not reference, and are not sortable by, categories of a production process.

Accordingly, for at least the reasons set forth above, Claim 15 is submitted to be patentable over Powers in view of Suzuki.

Claims 16-20 depend from independent Claim 15. When the recitations of Claims 16-20 are considered in combination with the recitations of Claim 15, Applicants submit that dependent Claims 16-20 likewise are patentable over Powers in view of Suzuki.

Moreover, Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Powers nor Suzuki, considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Powers with Suzuki, or vice versa, because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching.

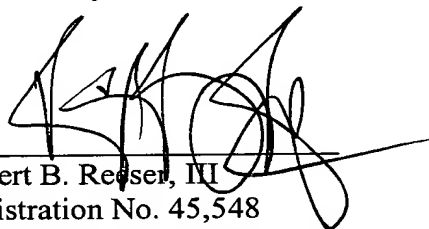
As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a

given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected in an attempt to arrive at the claimed invention. Since there is no teaching nor suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for these reasons, along with the reasons given above, Applicants request that the Section 103 rejection of the Claims be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Robert B. Reiser, III', is written over a horizontal line.

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